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IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

RANDY STARNER

:No: 01-CV-757

VS.

DR. DANIELS, PRISON PHYSICIAN,
HELEN SNEED, DEPUTY WARDEN
OF TREATMENT, EARL REITZ,
WARDEN CUMBERLAND COUNTY
PRISON, RICHARD RIVEGNO,
COMMISSIONER CUMBERLAND
COUNTY AND CUMBERLAND
COUNTY

FILED
SCRANTON

SEP 25 2001

PER

DEPUTY CLERK

**DEFENDANTS' HELEN SNEED, EARL REITZ, RICHARD RIVEGNO, AND COUNTY
OF CUMBERLAND'S RESPONSE TO PLAINTIFF'S "MOTION TO CLASSIFY"**

Defendants, by and through their attorneys, Devlin & Devine, hereby respond to
Plaintiff's "Motion to Classify" as follows:

1. Plaintiff, a prisoner, filed a *pro se* 42 U.S.C. sec. 1983 civil rights lawsuit against defendants, Helen Sneed, Deputy Warden of Treatment, Eric Reitz, Warden, Richard Revigno, County Commissioner, and Cumberland County, alleging deprivation of medical care in the form of a refusal to provide carpal tunnel surgery.
2. Defendants, Sneed, Reitz, Revigno, and the County, moved for the dismissal of Plaintiff's Complaint, pursuant to Fed. R.C.P. 12(b)(6). The plaintiff then filed a "Motion and Brief in Support of Motion for Denial Defense Counsel's Motion to Dismiss Plaintiff's Complaint."

3. Defense counsel is now in receipt of plaintiff's "Motion to Classify", in which plaintiff prays that the Court classify as evidence the following:

- 1) Excerpts from medical records on file, Medical Department, Cumberland County Prison;
- 2) Electrodiagnostic test results;
- 3) Cock-up wrist braces; and
- 4) Documentation from Family Home Health Care Products, Inc.

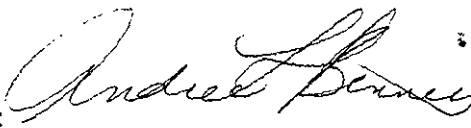
4. Defendants were never served with copies of the aforementioned documents.

Accordingly, they are unable to respond to this Motion and request that it be denied.

5. In the alternative, the plaintiff's "Motion to Classify" is without legal basis and frivolous.

WHEREFORE, defendants respectfully request that Plaintiff's "Motion to Classify" be denied and dismissed.

DEVLIN & DEVINE

BY: 

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William Devlin
Attorneys for defendants,
Deputy Warden Sneed
Warden Reitz
Richard Revigno
Cumberland County

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ID# 74991

Date: 9/20/01

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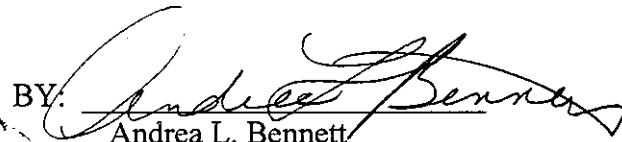
CERTIFICATE OF SERVICE

I hereby certify that service of a true and correct copy of the enclosed Defendants' Motion to Dismiss Plaintiff's Complaint was sent to all parties on September 21, 2001 by United States certified mail and first-class mail, postage pre-paid.

Randy Starner
C/O Cumberland County Prison
1101 Claremont Road
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DEVLIN AND DEVINE

BY:



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